

Passed by both Houses



New South Wales

Professional Standards Amendment Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council

1999

Clerk of the Parliaments



Professional Standards Amendment Bill 1999

Act No , 1999

An Act to amend the *Professional Standards Act 1994* with respect to the persons to whom a scheme applies, and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Professional Standards Amendment Act 1999*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Professional Standards Act 1994 No 81

The *Professional Standards Act 1994* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 17 Persons to whom scheme applies

Insert at the end of section 17:

- (2) A scheme may provide that the occupational association concerned may, on application by a person, exempt the person from the scheme.
- (3) A scheme ceases to apply to a person exempted from the scheme as referred to in subsection (2) on and from the date on which the exemption is granted or on and from a later date specified in the exemption.
- (4) Subsection (2) does not apply to a person to whom a scheme applies by virtue of section 18, 19 or 20.

[2] Section 28 Limit of occupational liability by schemes

Omit “terms” from section 28 (1). Insert instead “provisions”.

[3] Section 28 (1)

Omit “applies during that period”.

Insert instead “applied at the time when the act or omission occurred”.

[4] Section 28 (4)

Insert “, except in accordance with provisions included in the scheme under section 17 (2)” after “scheme” where secondly occurring.

[5] Schedule 4 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Professional Standards Amendment Act 1999

[6] Schedule 4, Part 3

Insert after Part 2:

Part 3 Professional Standards Amendment Act 1999

7 Definition of existing schemes

In this Part, *existing scheme* means a scheme purporting to have been established in compliance with this Act and in existence immediately before the commencement of this clause.

8 Validation of existing schemes for limited period

- (1) The provisions of an existing scheme are, to the extent to which they fail to provide for the scheme to apply to all persons within an occupational association or to a specified class or classes of persons within an occupational association, taken to have complied with this Act:
 - (a) at the time at which the provisions were first included in the scheme, and
 - (b) at all times until:
 - (i) the expiration of 12 months after the commencement of this clause, or
 - (ii) the amendment of the provisions in accordance with this Act after the commencement of this clause, or
 - (iii) the operation of the scheme ceases,whichever occurs first.
- (2) This clause does not apply to the provisions of an existing scheme to which clause 9 applies.

9 Validation of exemption provisions in existing schemes and exemptions

- (1) This clause applies to the provisions of an existing scheme that provide (in effect) that an occupational association may, on application, exempt a person from the scheme.

- (2) The provisions of an existing scheme to which this clause applies are taken to have complied with this Act:
 - (a) at the time at which the provisions were first included in the scheme, and
 - (b) at all times until the commencement of section 17 (2).
- (3) The provisions of an existing scheme to which this clause applies are taken to have been made under section 17 (2).
- (4) An exemption granted before the commencement of this clause under the provisions of an existing scheme to which this clause applies is taken to have been validly granted on the date on which it was granted and is taken to be valid at all times on and from that date.

10 Part does not apply to new provisions of existing schemes

This Part does not apply to a provision of an existing scheme included in the scheme after the commencement of this clause.

11 Part does not affect previous court or tribunal decisions

This Part does not affect any decision or order of a court or tribunal made before the commencement of this clause.